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May 7, 2001

Box Patent Application

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Nonprovisional Application
Appl. No.: To Be Assigned
Filed: Herewith
For: Nucleic Acid Molecules and Other Molecules
Associated with Plants
Inventors: RUFF, Thomas G. and HRIDAYABHIRANJAN, Shukla
Atty. Docket: 16517.250 [38-21(51930)B]

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. This Transmittal Letter;
2. Utility Patent Application Transmittal (PTO/SB/05);
3. U.S. Non-Provisional Application entitled:

Nucleic Acid Molecules and Other Molecules Associated with Plants

and naming as inventors:

RUFF, Thomas G. and HRIDAYABHIRANJAN, Shukla

the application consisting of:

- a. A specification containing:
 - (i) 87 pages of a description prior to the claims;
 - (ii) 2 pages of claims (11 claims); and
 - (iii) a one (1) page abstract;
4. three (3) CD-ROMs separately containing:

- (i) the sequence listing in computer readable form (*i.e.*, CRF);
 - (ii) Copy 1 of the sequence listing on compact disc; and
 - (iii) Copy 2 of the sequence listing on compact disc;
- 5. a Statement Regarding Sequence Submission;
 - 6. a Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (PTO/SB/35);
 - 7. an executed Combined Declaration and Power of Attorney, executed by Thomas G. Ruff and Shukla Hridayabhiranjan (three pages);
 - 8. check No. 200528 in the amount of \$710 to cover the basic filing fee; and
 - 9. two (2) return postcards.

This application claims priority under 35 U.S.C §119(e) of U.S. Provisional Application Serial No. 60/202,214 filed on May 8, 2000, and under 35 U.S.C. §120 of U.S. Application Serial Nos. 09/654,617 filed September 5, 2000, 09/684,016 filed October 10, 2000, and 09/816,660 filed March 26, 2001, the disclosures of which applications are incorporated herein by reference in their entirety.

Submitted herewith are a sequence listing on CD-ROM (two copies) and a sequence listing Computer Readable Form (CRF) on CD-ROM, in compliance with 37 C.F.R. §§ 1.52(e), 1.77, and 1.823.

Three CD-ROMs accompany this transmittal letter: two copies of a sequence listing (Seq. Listing: Copy 1, Seq. Listing: Copy 2), a sequence listing CRF. Seq. Listing: Copy 1 and Seq. Listing: Copy 2 are identical to each other and to the sequence listing CRF. All three sequence listing CD-ROMs each contain one file called "pa_00348.rpt" which is 21,615,637 bytes in size (measured in MS-DOS) and was created on April 25, 2001. All CD-ROMs are in IBM-PC machine format, and are MS-DOS and MS-Windows compatible.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

Assistant Commissioner for Patents
16517.250 [38-21(51930)B]
Page 3

Applicants do not believe that any fees other than the basic filing fee (\$710) are due in conjunction with this filing. However, should any additional fees be required, the Patent and Trademark Office is authorized to charge any additional fees or credit any overpayment to Arnold and Porter deposit account 50-1824.

Respectfully submitted,

D. R. Marsh

David R. Marsh (Reg. No. 41,408)
June E Cohan (Reg. No. 43,741)

Enclosures

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 16517.250 [38-21(51930)B]

First Inventor RUFF, Thomas G.

Title Nucleic Acid Molecules and Other Molecules Associated with Plants

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 90]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages 3]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☒ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: _____ / _____

Prior application information: Examiner _____

Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

28381

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

David R. Marsh

June E. Cohan

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David R. Marsh / June E. Cohan

Registration No. (Attorney/Agent)

41,408 / 43,741

Signature

David R. Marsh

Date

May 7, 01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas G. Ruff *et al.*

Appln. No.: To Be Assigned

Filed: May 7, 2001

For: Nucleic Acid Molecules and Other
Molecules Associated Plants

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 16517.250 [38-21(51930)B]

Statement Regarding Sequence Submission

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In accordance with 37 C.F.R. § 1.821(f), the compact disk copies of the Sequence Listing and the computer-readable copy of the Sequence Listing submitted herewith in the above-mentioned application are the same.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
June E. Cohan (Reg. No. 43,741)

Date: May 7, 2001

ARNOLD & PORTER
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
(202) 942-5000

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	RUFF, Thomas G.	
Title	Nucleic Acid Molecules and Other Molecules Associated with Plants	
Atty Docket Number	16517.250 [38-21(51930)B]	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 7, 01
Date

David R. Marsh
Signature

David R. Marsh (Reg. No.41,408)
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.